

REMARKS/ARGUMENTS

Claims 1-28 were pending in this application. Claims 1, 17-19, 23, and 24 have been amended. Claims 15 and 16 have been canceled. Therefore, claims 1-14 and 17-28 are pending. Applicants have thoroughly reviewed the Office Action and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the claims are believed to be patentable over the cited references. Therefore, reconsideration of the application is respectfully requested.

OBJECTIONS TO THE DRAWINGS

The Office Action objected to the drawings, indicating that certain claimed limitations of the invention, described in the specification, are not shown in the drawings. FIGS. 1, 6, and 7 have been amended to include the notation --Prior Art--. FIGS. 3, 4, 8, 9, 10, and 11 have been amended to support the specification description and claims 12, 18, and 24, to wit: FIGS. 3 and 4 show a threaded insert 200 and a threaded nut 202 located beyond an unthreaded aperture 60 in the body 40, recited in claim 12. FIGS. 8 and 9 show a threaded pin 106 and a jam nut 206 that provide means for adjusting through changes in the positions of the means for making contact, recited in claim 24. FIG. 10 is amended to correct a minor graphical error, namely omission of a through hole above element 108, corresponding to those above elements 106 and 110. FIG. 11 shows a locking cam 242, recited in claim 18. New FIG. 13 shows a battery 226, recited in claim 4, at least one remote electrical source 228, 230, recited in claim 5, and a compressive sleeve 238 and tapered nut 240 for attaching by surrounding and applying clamping force, as recited in claim 9. Therefore, Applicant respectfully submits that the objection has been overcome and requests that the objection be withdrawn. The specification has been amended to conform to the new and amended drawings.

CLAIM REJECTIONS – 35 U.S.C. § 112

Claim 11 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses.

As stated in MPEP § 2172, paragraph I, “A rejection based on the failure to satisfy this requirement is appropriate only where applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims. In other words, the invention set forth in the claims must be presumed, in the absence of evidence to the contrary, to be that which applicants regard as their invention. *In re Moore*, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971).”

The Office Action states that “claim [11 is] indefinite because it is unclear as to how the examiner can possibly gauge the durability of undisclosed materials nor is it clear how the examiner can assume what is the material being contacted by the gauge pins.”

Claim 11 discloses, in relevant part, “The alignment tool of claim 1, wherein said gauge pins are comprised of a material the durability of which is not less than the durability of the material with which said gauge pins make contact when in use.”

As disclosed in the specification at paragraphs [0028-0029], [A]lignment tool 38 has ... three gauge pins 42, 44, and 46 [,] ... [held] in intimate contact with their respective reference surfaces 16, 18, and 20 ... [and] preferably made from hard, generally nonreactive materials such as ceramics and tool steels ... where the contact surface of the contact elements is no softer than and/or no less durable than the surface being contacted.” In this statement, the broad terms “hard, generally nonreactive materials” are further limited to materials “no softer than and/or no less durable than the surface being contacted.” Since the surface being contacted is sufficiently strong to form a reference surface, and the gauge pins are harder than this surface, Applicant respectfully submits that the claim language is not indefinite in view of MPEP 2172, para. I, and requests that the rejection be withdrawn.

CLAIM OBJECTIONS

Claims 23 and 24 are objected to because of informalities. Applicant respectfully submits that the amendments to claims 23 and 24 render the objection moot. Applicant therefore requests that the objection be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

Claims 1-4 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,781,286 to Knestel (“Knestel”). Applicant respectfully traverses. In an effort to advance prosecution, however, Applicant has amended independent claim 1 to recite the allowable subject matter of claim 16 and all intervening claims. Therefore, Applicant respectfully submits that claim 1 is allowable and request that the rejection be withdrawn.

Claims 2-4 depend from independent claim 1. Therefore, these claims are also allowable for at least the foregoing reasons.

Claims 1, 3 and 6 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 3,337,961 to Holub (“Holub”). As noted above, Applicant has amended independent claim 1 to recite the limitations of claims 15 and 16, rendering the rejection thereof moot. Applicant therefore respectfully requests that the rejection be withdrawn.

Claims 3 and 6 depend from independent claim 1. Therefore, these claims are also allowable for at least the foregoing reasons.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Holub in view of U.S. Patent No. 4,106,208 to Hunter (“Hunter”). Claim 5 depends from independent claim 1. Therefore, claim 5 is also allowable for at least the foregoing reasons.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Holub. Applicant respectfully traverses. Claim 8 depends from independent claim 1. Therefore, claim 8 is also allowable for at least the foregoing reasons.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Knestel in view of U.S. Patent No. 5,886,782 to Hedgecock, Jr. (“Hedgecock”). Claim 9 depends from independent claim 1. Therefore, claim 9 is also allowable for at least the foregoing reasons.

Claims 10, 11, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Holub. Claims 10, 11, 13, and 14 depend from independent claim 1. Therefore, claims 10, 11, 13, and 14 are also allowable for at least the foregoing reasons.

Claims 1, 12, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,573,275 to Bremer (“Bremer”) in view of U.S. Patent No. 3,685,161 to MacPherson (“MacPherson”). As noted above, Applicant has amended independent claim 1 to recite the limitations of claims 15 and 16, rendering the rejection thereof moot. Applicant therefore respectfully requests that the rejection be withdrawn.

Claim 15 is canceled. Claims 12 and 14 depend from independent claim 1. Therefore, claims 12 and 14 are also allowable for at least the foregoing reasons.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bremer and MacPherson as applied to claims 1, 12, 14 and 15 above, and further in view of Holub. Claims 6 and 7 depend from independent claim 1. Therefore, claims 6 and 7 are also allowable for at least the foregoing reasons.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bremer and MacPherson as applied to claims 1, 12, 14 and 15 above, and further in view of U.S. Patent 6,018,879 to Carder. Claim 19 has been amended to depend from claim 1. Therefore, claim 19 is also allowable for at least the foregoing reasons.

ALLOWABLE SUBJECT MATTER

Claims 16-18 are objected to as being dependent upon a rejected base claim, but allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Claim 16 and intervening claim 15 have been incorporated into independent claim 1 and canceled. Claims 17 and 18 have been rewritten to include all of the limitations of the base claim and any intervening claims. Applicant therefore respectfully requests that the objections to claims 16-18 be withdrawn.

Examiner is thanked for indicating that claims 20-22 and 25-28 contain allowable subject matter.

Claims 23 and 24 have been amended to overcome the objections set forth in the Office Action. Applicant respectfully submits that claims 23 and 24 are in condition for allowance.

Docket No. 87345.2340
Application No. 10/811,941
Customer No. 30734

PATENT

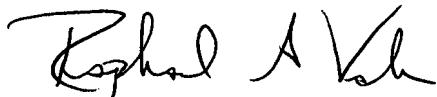
CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance, the Examiner is requested to contact the undersigned attorney to expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87345.2340.

Respectfully submitted,

BAKER & HOSTETLER LLP



Raphael A. Valencia
Reg. No. 43,216

Date: 9/7/07
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783